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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/804,243	03/18/2004	Johannes Kocher	P/4309-71	7473

7590
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01/17/2007

EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT	PAPER NUMBER
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3654

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/17/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/804,243

Applicant(s)

KOCHER ET AL.

Examiner

Terrell H. Matthews

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 3 and 6-10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-2,5,9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1,4, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-5651429) in view of Schmidt (US-6860501).

Referring to claims 1,4,13. Lin discloses an "Elevator Safety Apparatus". See Figs. 1-6 and respective portions of the specification. Lin further discloses an assembly for providing a temporary safety space within an elevator hoistway wherein upward or downward movement of a car or a counterweight along guide rails is prevented, the assembly comprising; engagement members (12) provided on the guide rail (10); and a stop bar (22) that bears against the engagement members, the engagement members being one of arranged to permanently secure the guide rail to the hoistway (See at least Col. 3 l. 17-62 & at least Figs. 1-4). Lin does not disclose wherein the stop bar comprises a resilient layer positioned on a side of the stop bar adjacent the car or counterweight so to absorb impact force when the car or counterweight initially bears against the stop bar. Schmidt discloses a "Weight Distributing Hitch Assembly" comprising a spring bar (34), which comprises a resilient layer positioned on a side of the stop bar. It would have been obvious to a person of ordinary skill in the art at the

Art Unit: 3654

time of the invention to modify the apparatus of Chatham to include a resilient layer stop bar as taught by Schmidt so that the stop bar would absorb some of the impact force which would make it more durable over the long run.

Claims 5,9,11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lin (US-5651429).

Referring to claim 5. Lin discloses the apparatus as described above. Lin further discloses wherein the assembly comprises a fixing element to secure the stop bar to one of the car and the counterweight (See at least Col. 3 l. 17-62 & at least Fig. 4).

Referring to claim 9. Lin does not disclose wherein the engagement members are bolts and nuts to permanently secure the guide rail to the hoistway. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Lin to include nuts as the engagements members so that less space would be taken up in the hoistway and so that it was easier to construct, while providing a secure engagement.

Referring to claim 11. With respect to claim 11, the method described in these claims would inherently result from the use of Chatham's of apparatus for preventing unintended movement of elevator car as applied to claims 1,4-5,9,13 as advanced above.

Allowable Subject Matter

Claims 2, 12 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims. More specifically, claim 2 would be allowable if rewritten to overcome the rejections of claim 1. Meanwhile, claim 12 would be allowable if rewritten to overcome the rejections of claim 11.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrell H. Matthews whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on (571) 272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


GENE U. CRAWFORD
SUPERVISORY PATENT EXAMINER